



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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FINAL MINUTES FOR TELECONFERENCE MEETING

Held at 12:00 Noon on July 7, 2004

9545 E. Doubletree Ranch Road • Scottsdale, Arizona

Board Members

Edward J. Schwager, M.D., Chair
Sharon B. Megdal, Ph.D., Vice Chair
Robert P. Goldfarb, M.D., Secretary
Patrick N. Connell, M.D.
Ingrid E. Haas, M.D.
Tim B. Hunter, M.D.
Becky Jordan
Ram R. Krishna, M.D.
Douglas D. Lee, M.D.
William R. Martin III, M.D.
Dona Pardo, Ph.D., R.N.
Chris Wertheim

Board Counsel

Christine Cassetta, Assistant Attorney General

Staff

Barry A. Cassidy, Ph.D., P.A.-C, Executive Director
Barbara Kane, Assistant Director
Beatriz Garcia Stamps, M.D., M.B.A., Board Medical Director
Gary Oglesby, Chief Information Officer
Tina Speight, Public Affairs Coordinator

CALL TO ORDER

Edward J. Schwager, M.D., Chair, called the meeting to order at 12:02 p.m.

ROLL CALL

The following Board members were present: Robert P. Goldfarb, M.D., Ingrid E. Haas, M.D., Tim B. Hunter, M.D., Becky Jordan, Ram R. Krishna, M.D., Sharon B. Megdal, Ph.D., Dona Pardo, Ph.D., R.N., and Edward J. Schwager, M.D. The following Board members phoned in late to the meeting: Patrick N. Connell, M.D., Douglas D. Lee, M.D., William R. Martin, III, M.D., and Chris Wertheim.

CALL TO THE PUBLIC

No one was present for the Call to the Public.

NON-TIME SPECIFIC ITEMS

Approval of Minutes

Dona Pardo, Ph.D., R.N., indicated that she e-mailed minor changes for the Off-Site Minutes to the Board Coordinator. Barry A. Cassidy, Ph.D., P.A.-C, Executive Director, stated that the changes requested by Robert P. Goldfarb, M.D., and Dr. Pardo were received and the corrections were made.

May 12, 2004 Teleconference Minutes

Christine Cassetta, Board Counsel, noted that she had not seen any of the minutes, except for the Executive Session Minutes, before they were distributed to the Board and had not done any edits prior to there being sent. Ms. Cassetta noted that the wording in "Board Resolution" does not reflect the action the Board actually took and should have included that the

NON-TIME SPECIFIC ITEMS (Continued) – Approval of Minutes

referral to formal hearing was rescinded item #2 John P. Utz, M.D. Also, the Board Resolutions for items 4, 5, and 6 should be reworded to clarify the action taken by the Board. Also, Ms. Cassetta noted the wording in the discussion of cosmetic lasers needed to be corrected. Sharon B. Megdal, Ph.D., recommended that Ms. Cassetta make the suggested changes and that the Board table approval of the minutes until the August 2004 Board meeting.

MOTION: Sharon B. Megdal, Ph.D., moved to table approval of the May 12, 2004, Teleconference Minutes until the August 2004 Board meeting.

SECONDED: Patrick N. Connell, M.D.

VOTE: 9-yay, 0-nay, 0-abstain/recuse, 3-absent

MOTION PASSED.

May 14, 2004 Off-Site Minutes

Christine Cassetta, Board Counsel, noted that there are additional issues with the May 14, 2004 Off-Site Minutes, specifically that the advice she and the other Assistant Attorney Generals gave to the Board was not captured accurately in the minutes. Ms. Cassetta noted for instance that the minutes say she advised that an “abstain” vote is counted as a “yes” vote, when she actually advised that an “abstain” vote is counted in the majority. Also, Dr. Hunter's motion regarding the Executive Director's evaluation was not captured correctly and there were other grammatical errors.

MOTION: Sharon B. Megdal, Ph.D., moved to table approval of the May 14, 2004 Off-Site Minutes until the August 2004 Board meeting.

SECONDED: Robert P. Goldfarb, M.D.

VOTE: 10-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

June 4, 2004 Summary Action Minutes *including Executive Session*

Christine Cassetta, Board Counsel, informed the Board members that Victoria Mangiapane, Assistant Attorney General who covered this meeting in Ms. Cassetta's absence has not had the opportunity to review the minutes. As a result, Ms. Cassetta could not assure the Board that the minutes accurately captured the advice Ms. Mangiapane provided.

MOTION: Ram R. Krishna, M.D., moved to table the June 4, 2004, Summary Action Minutes including Executive Session until Ms. Mangiapane has reviewed them.

SECONDED: Robert P. Goldfarb, M.D.

VOTE: 11-yay, 0-nay, 0-abstain/recuse, 1-absent

MOTION PASSED.

June 9-10, 2004 Meeting Minutes *including Executive Session*

Tim B. Hunter, M.D., recused himself from this matter since he did not attend the meeting.

MOTION: Ram R. Krishna, M.D., moved to approve the minutes of the June 9-10, 2004, Board Meeting including Executive Session.

SECONDED: Becky Jordan,

VOTE: 10-yay, 0-nay, 1-abstain/recuse, 1-absent

MOTION PASSED.

June 10, 2004 Special Meeting Minutes

Christine Cassetta, Board Counsel, requested that the motion on page two be revised to read, “Dr. Schwager recommended that the Board not terminate the Board Order, and invite the physician to a Formal Interview at the August meeting.”

MOTION: Patrick N. Connell, M.D., moved to approve the minutes of the June 10, 2004, Special Meeting with the correction as requested by Ms. Cassetta.

SECONDED: Ram R. Krishna, M.D.

VOTE: 11-yay, 0-nay, 0-abstain/recuse, 1-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	BOARD RESOLUTION
1.	MD-00-0768	AMB	MICHAEL J. BRUNSMAN, M.D.	26483	Termination of Board Order for Probation Granted.

Sharon B. Megdal, Ph.D., stated that the terms of the Order do not address whether early termination is an option. However, she noted that the Board has recently been stating in its Order whether early termination is an option.

NON-TIME SPECIFIC ITEMS (Continued) - MICHAEL J. BRUNSMAN, M.D.**MOTION: Sharon B. Megdal, Ph.D., moved to grant the request for termination of the Board Order for Probation.****SECONDED: Douglas D. Lee, M.D.****VOTE: 11-yay, 0-nay, 0-abstain/recuse, 1-absent****MOTION PASSED.**

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	BOARD RESOLUTION
2.	MD-01-0242	AMB	MICHAEL W. CARLTON, M.D.	21360	Termination of Board Order for Probation Granted.

In response to a question from the Board, Paula Arcuri, Senior Compliance Officer, stated that Dr. Carlton would no longer be monitored if the Board Order is terminated. Ms. Arcuri clarified that Michael Carlton, M.D., has been on probation with the Board for two years.

MOTION: Patrick N. Connell, M.D., moved to grant the request for termination of Board Order for Probation.**SECONDED: Becky Jordon****VOTE: 11-yay, 0-nay, 0-abstain/recuse, 1-absent****MOTION PASSED.**

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	BOARD RESOLUTION
3.	MD-96-0892	AMB	JEFFREY R. LA VOY, M.D.	21507	Termination of Board Order Granted.

Edward J. Schwager, M.D., clarified that the terms of the Board Order call for an indefinite probation with no termination dates included. Ms. Cassetta noted that this was correct and was possible only because the physician had voluntarily agreed to enter the Order. Douglas D. Lee, M.D., asked if Dr. La Voy's 2003 Letter of Reprimand was related to Dr. La Voy's illness. Paula Arcuri, Senior Compliance Officer, indicated that it was not related. Dr. Lee expressed concern about terminating Dr. La Voy's Board Order because Dr. La Voy continues to have a history of Board activity. Sharon B. Megdal, Ph.D., stated that she would not support early termination of Dr. La Voy's Board Order because his previous therapist had failed to submit quarterly evaluation reports and the Board has only been provided with evaluation reports since September 2002. Dr. Schwager stated that the original action was taken because of Dr. La Voy's bi-polar disorder and all current documentation shows that Dr. La Voy is stable and has been doing well for a period of time.

MOTION: Ram R. Krishna, M.D., moved to grant the request for termination of Board Order.**SECONDED: Patrick N. Connell, M.D.****VOTE: 9-yay, 2-nay, 1-abstain/recuse, 0-absent****MOTION PASSED.**

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	BOARD RESOLUTION
4.	MD-01-0428 MD-97-0671 MD-00-0465 MD-01-0082 MD-01-0350 MD-98-0043 MD-99-0712	CSMH AMB AMB AMB GA CHCH AMB	LIOR KAHANE, M.D.	23042	Ratify on Remand from Superior Court Notice of Modifications to ALJ Recommended Decision. 02F-23042-MDX

Christine Cassetta, Board Counsel, gave a brief overview of this matter. She stated that in June 2003 the Board reviewed a recommended Order submitted by a Hearing Officer after a formal hearing of this matter. Ms. Cassetta stated that the Board made changes to the Findings of Fact, Conclusions of Law and Order and then filed the Order with the Office of Administrative Hearings and the parties. However, the required explanation of changes was not filed with the Order. This failure to file an explanation of the changes has been raised by Dr. Kahane on appeal and the Superior Court has remanded the matter back to the Board for the Board to review the explanation of changes and indicate whether or not the explanation is correct and accurate. Edward J. Schwager, M.D., stated that Board members were provided a copy of the letter from Ms. Cassetta that serves as the explanation of changes and that the Board is being asked to ratify.

MOTION: Tim B. Hunter, M.D., moved to ratify the letter as proposed.**SECONDED: Ram R. Krishna, M.D.****VOTE: 12-yay, 0-nay, 0-abstain/recuse, 0-absent****MOTION PASSED.**

Meeting adjourned at 12:32 p.m.

[seal]

Barry A. Cassidy, Ph.D., P.A.-C, Executive Director